

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

ELIZABETH STEFFENBERG,

Plaintiff,

v.

T. GENE GILMAN, STEVEN GILMAN, THE GILMAN
INSURANCE AGENCY, INC., DAVID M. SCOLL,
ARBOR SECURITIES, LTD., ALLIANCE
INVESTMENT MANAGEMENT, COMMONWEALTH
FINANCIAL HOLDINGS INC., FINANCIAL LINKS,
INC., T. GILMAN & CO., LTD., FIRST ALLIED
SECURITIES, INC., PENSON FINANCIAL SERVICES,
INC., AVIVA USA CORPORATION, TRADETEK,
LTD. and TRADETEK, LLC,

Defendants.

CIVIL ACTION NO. 04-40113-
FDS

**MOTION OF THE DEFENDANT, DAVID SCOLL, TO COMPEL
THE PRODUCTION OF DOCUMENTS RESPONSIVE TO DAVID SCOLL'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS
FROM THE PLAINTIFF, ELIZABETH STEFFENBERG**

The Defendant, David Scoll (hereinafter "Scoll"), moves pursuant to Rule 37.1(A) of the Local Rules for the United States District Court, District of Massachusetts, and Rule 37(a) of the Federal Rules of Civil Procedure for an order compelling the Plaintiff, Elizabeth Steffenberg (hereinafter the "Plaintiff"), to respond to Scoll's First Request for Production of Documents by producing and permitting inspection and copying of responsive documents and tangible items within ten (10) days. See Deft. David M. Scoll.'s First Req. for Prod. of Docs. to the Pl. dated Oct. 4, 2004 (hereinafter "Scoll's Request")(copy attached hereto as Exhibit "A"); see also L.R. 26.6(A).

In support of this motion, Scoll states that the Plaintiff has failed to substantiate the withholding of documents on the basis of the attorney-client privilege and the work product

doctrine. As a result, the Plaintiff should not be permitted to withhold documents on those bases. Scoll herewith submits a memorandum of law in support of this Motion.

WHEREFORE, Scoll moves for an order compelling the Plaintiff to produce all documents withheld on the basis of the attorney-client privilege and the work product doctrine in response to Scoll's Requests Nos. 2-9, 11-19, and 24 within ten (10) days.

Discovery Conference Certification: Local Rule 37.1(B)

The parties conducted a discovery conference by telephone on March 9, 2005 for approximately thirty (30) minutes, but were unable to resolve their differences concerning this matter.

Respectfully submitted,
DAVID M. SCOLL
By his Attorneys,

/s/ Sara Discepolo
George C. Rockas, BBO # 544009
Sara Discepolo, BBO # 628721
WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

Dated: March 14, 2005

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DISTRICT OF MASSACHUSETTS
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ELIZABETH STEFFENBERG,

Plaintiff,

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T. GENE GILMAN, STEVEN GILMAN, THE GILMAN
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CERTIFICATE OF SERVICE

I, Sara Discepolo, hereby certify that on March 14, 2005, I electronically filed the foregoing *Motion of the Defendant, David Scoll, to Compel the Production of Documents Responsive to David Scoll's First Request for Production of Documents From the Plaintiff, Elizabeth Steffenberg* and caused to be served a courtesy copy of the same to all parties/counsel of record by mailing the same via first class mail, postage prepaid, to the following parties:

Christine S. Collins, Esq.
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311 Main Street
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Kristin M. Knuuttila
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585 Commercial Street
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/s/ Sara Discepolo
Sara Discepolo